

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RESCUECOM CORPORATION,

Plaintiff,

v.

5:07-CV-0690
(FJS/ GHL)

JONATHAN CHUMLEY; and
OSI CONSULTING, LLC,

Defendants.

APPEARANCES:

RESCUECOM CORPORATION
CORPORATE COUNSEL
Counsel for Plaintiff
2560 Burnet Avenue
Syracuse, New York 13206

OF COUNSEL:

EDMUND J. GEGAN, ESQ.

LAW OFFICES OF RONALD J. KIM
Counsel for Defendants
P.O. Box 318
Saratoga Springs, New York 12866

RONALD J. KIM, ESQ.

FREDERICK J. SCULLIN, S.J.:

DECISION & ORDER

Presently before the Court is Magistrate Judge George H. Lowe's November 2, 2007 Report-Recommendation in which he recommends that Plaintiff's motion for remand (Dkt. No. 13; *see also* Docket Minute Entry for 7/18/07) be **denied**; that Defendants' cross-motion to dismiss for lack of personal jurisdiction, or in the alternative, to transfer this action to the Western District of Louisiana (Dkt. Nos. 18-19) be **denied** and that Defendants' alternative cross-motion to compel arbitration pursuant to the parties' Franchise Agreement (Dkt. Nos. 18-

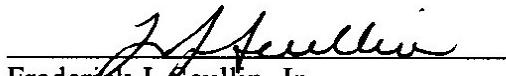
19) be **DENIED without prejudice** pursuant to 28 U.S.C. § 636(b)(1), and the Court having reviewed the Report-Recommendation and the entire file in this matter and no objections to said Report-Recommendation having been filed, the Court hereby

ORDERS, that the Report-Recommendation filed by Magistrate Judge George H. Lowe on November 2, 2007 is, for the reasons stated therein, **ACCEPTED** in its entirety; and the Court further

ORDERS, that Plaintiff's motion for remand (Dkt. No. 13; *see also* Docket Minute Entry for 7/18/07) is **DENIED**; that Defendants' cross-motion to dismiss for lack of personal jurisdiction, or in the alternative, to transfer this action to the Western District of Louisiana (Dkt. Nos. 18-19) is **DENIED** and that Defendants' alternative cross-motion to compel arbitration pursuant to the parties' Franchise Agreement (Dkt. Nos. 18-19) is **DENIED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 636(b)(1).

IT IS SO ORDERED.

Dated: November 21, 2007
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge